

### **III. REMARKS**

#### **Status of the Claims**

Claims 2, 3, 5-7, 9-15, 17-19, 21-30, 32-34 and 36 are amended. Claims 2, 3, 5-7, 9-15, 17-19, 21-30, and 32-37 are presented for further consideration. Applicant is pleased to note that claims 10, 11, 22, and 23 are indicated to contain patentable subject matter.

Applicant has considered the Examiner's comments set forth in the Office Action mailed June 15, 2009 and responds in detail below. Reconsideration of the application is respectfully requested in view of the amendments and the following remarks.

#### **The Office Action**

The claims of this application are amended to remove informalities noted by the Examiner and in response to the rejection under 35USC101. No new matter is presented. The amendments to the claims are not intended to be limiting, are not made for reasons related to patentability, and should not be interpreted to raise issues of estoppel. These amendments are submitted after final rejection in order to place the claims in condition for allowance or in the alternative to place the claims in better condition for appeal. Applicant submits that such amendments are properly entered under 37USC1.116 and accordingly, Examiner is requested to enter these amendments.

In paragraph 8 of the office action, claim 13 stands rejected under 35 U.S.C. 103(a) based on the teaching of the reference fujii, U.S. Publication No. 20050229009. This rejection is traversed on the following grounds:

The teaching of Fujii does not render claim 13 obvious because it fails to teach or otherwise suggest each and every limitation of the claim. In a prima facie case for obviousness, the prior art reference (or references when combined) must teach or

suggest all the claim limitations. In addition there should be presented a rational basis for making the claimed combination. There should also be presented a motivation and a reasonable expectation of success of the combination, based on the prior art, without reference to the disclosure of this application. The examiner has failed to present a combination of teachings that teach or suggest the claimed subject matter as a whole.

In particular the cited reference Fujii fails to disclose or suggest the following features claimed independent claim 13:

**"acquiring personal content in a mobile terminal, said personal content including at least one of photographs, text, video, speech, calendar information, and location information;"**

Fujii fails to teach a mobile terminal having personal content comprising: "photographs, text, video, speech, calendar information, and location information" stored in memory. It is well settled that the Applicant can define the terms used in the application. Further in the subject application, Applicant has defined exactly what is included in personal content for the purpose of this application. The Examiner has failed to recognize this definition and continues to cite systems relating to encryption, that use identification data containing physical characteristics such as fingerprints and the like.

The Examiner cites Fujii paragraph 0002 as disclosing "at least one of photographs, text, video, speech, calendar information, and location information". Paragraph 0002 is stated below in its entirety:

**"The present invention relates to encryption/decryption method and equipment adapted for physical characteristic information such as fingerprints, voiceprints, palm patterns, facial appearances, or signatures representing a characteristic inherent to an individual, and to a remote identification system for identifying a person through a network according to the physical characteristic information."**

Such physical characteristic information is only usable for identification and authentication, it is not included in Applicant's specifically defined "personal content".

As a result the only service performed in the system of Fujii is authentication and none of the other features of claim 13 are needed. Fujii therefore fails to support the rejection of claim 13 based on obviousness.

Claims 2-3,5-7,9,12,14-15,17-19,21,24-30, and 36-37 stand rejected under 35USC103(a) based on the combined teaching of Fujii in view of Durrett, US Patent No. 5964830. This rejection is traversed on the following grounds:

The combined teaching of Fujii and Durrett does not render Claims 2-3,5-7,9,12,14-15,17-19,21,24-30, and 36-37 obvious because it fails to teach or otherwise suggest each and every limitation of the claim. In a prima facie case for obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. In addition there should be presented a rational basis for making the claimed combination. There should also be presented a motivation and a reasonable expectation of success of the combination, based on the prior art, without reference to the disclosure of this application. The examiner has failed to present a combination of teachings that teach or suggest the claimed subject matter as a whole.

In particular the combined teaching fails to disclose or suggest the following claimed features of independent claim 37:

**" a media-diary server having a data repository, the media-diary server adapted to receive personal content from the mobile terminal and store the received personal content in the data repository, the media-diary server also adapted to obtain other data from external databases through the external communications network;**

**an applications server adapted to receive requests involving the use of personal content and associate the request with a personalized service;**

**an information generation block adapted to analyze the personal content and generate information based on the personal content and further, the information block is adapted to combine the generated information based on personal content with the other data obtained from external databases; and**

**a service provision block responsive to the information generation block to generate and/or provide the associated personalized service incorporating the information generated and combined in the information generation block."**

Independent claims 25, 29, and 33 as amended, contain equivalent limitations.

The combined teaching of Fujii and Durrett fails to disclose or suggest these features. In addition the combined teaching fails to disclose or suggest the claimed feature of independent claim 13 as indicated above, namely the use of "personal content" as defined in this application.

As previously stated in prior prosecution, the encryption keys, user ID and password of Durrett do not constitute **photographs, text, video, speech, calendar information, and location information.**

The so-called encryption data of Durrett is used, according to column 5, lines 45-51, of Durrett, as follows:

**"Logging into the access provider computer and for activating local computer 10A is accomplished via fingerprint key 13A. Fingerprint key 13A scans the user's fingerprint and correlates this to a file which is stored within the non-volatile memory of the access provider computer. In one embodiment, the fingerprint" data serves as a "key" to de-encrypt the data stored within the non-volatile memory."**

The encryption key of Durrett is used to obtain access to files stored in the memory of a remote server. There is nothing in Durrett that discloses or suggests that an application stored in a mobile terminal may select a part of personal content and send it to a remote data repository from which a part of the personal content may be retrieved and combined with other data for the purpose of providing a personalized service.

The combined teaching fails to teach a media-diary server that is adapted to receive and store personal content from the mobile terminal. Nor is there any part of the system of Fujii or Durrett that is indicated to provide the function of the media-diary

server. The same is true with respect to the information generation block of claim 37 and its function. As indicated above there is no attempt in the combined teaching to use the personal content as defined in this application combined with other data from an external database to provide a personalized service using the personal content and other information.

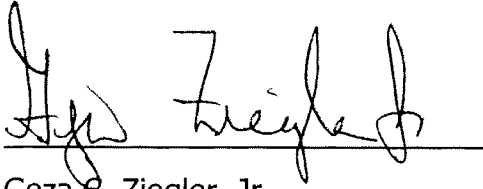
Applicant submits that the combined teaching of Fujii and Durrett does not lead a person skilled in the art to obtain the subject matter of this application.

Accordingly, the combined teaching of the references Fujii and Durrett fails to teach or suggest the use of a mobile terminal as described in the independent claims of this application. These grounds apply equally to the rejected dependent claims, all of which, by dependency, have the limitations described in the independent claims. The deficiencies of the primary reference Fujii are not remedied by the teaching of Durrett.

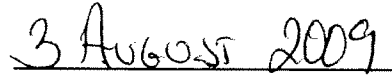
For all of the above reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Geza C. Ziegler, Jr.", written over a horizontal line.

Geza C. Ziegler, Jr.  
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A handwritten date "3 August 2009" written in cursive script over a horizontal line.

Date

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